



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **SB 179** SLS 24RS 369
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 23, 2024 7:14 PM	Author: JACKSON-ANDREWS
Dept./Agy.: Secretary of State/OJJ/Corrections	
Subject: Constitutional Amendment - Dual Sentencing of Juveniles	Analyst: Daniel Druilhet

JUVENILES OR SEE FISC NOTE Page 1 of 2
 Constitutional amendment to provide for dual sentencing of juveniles. (2/3 - CA5s19)

Current law is a constitutional provision that provides for special juvenile procedures relative to the guilt, innocence, detention, and custody of juveniles alleged to have committed a crime prior to the age of 17; provides that the legislature may, by a 2/3 vote of each house, provide that special juvenile procedures do not apply when a juvenile is accused of certain felonies; provides that the legislature may, by a 2/3 vote of each house, lower the maximum age of persons to whom juvenile procedures shall apply and establish a procedure by which courts may waive special juvenile procedures in favor of adult procedures on a case-by-case basis; provides that the legislature may, by a majority vote of each house, make special provisions for the detention and custody of certain juveniles. Proposed law is a constitutional amendment that provides that the legislature may, by a majority vote of each house, implement procedures requiring that a juvenile, who is convicted as an adult for a felony offense, receive both a juvenile and consecutive adult sentence to be served when the offender reaches the age of 21; specifies that the amendment will be submitted to the voters at the statewide election to be held 11/05/24.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The net impact to state expenditures is indeterminable.

Department of Public Safety & Corrections - Corrections Services - Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) and a decrease in SGF expenditures in the Office of Juvenile Justice, to the extent that enabling legislation is enacted subsequent to an affirmative vote of the majority of electors in the November 5, 2024 statewide election on the constitutional amendment contemplated. Proposed law has the effect (with subsequent enabling legislation) of placing juveniles 17 years old and adjudicated of felony-grade delinquent offenses (and subject to serve dual sentences for adult criminal convictions consecutively to dispositions for felony-grade delinquent offenses) in special facilities or in a wing of a state facility separate from the adult prison population until the age of 21 years, with subsequent placement in the adult prison population at the age of 21 years.

SGF expenditures will increase by \$87.58 per offender per day to the extent that an offender is convicted and then housed in the Youthful Offender Program with DPS&C-CS until the age of 21 years. As of FY 23, DPS&C-CS reports that there were 15 juveniles housed in the Youthful Offender Program in FY 23. To the extent that DPS&C-CS experiences any increase in the number of juveniles who receive both juvenile dispositions and adult criminal sentences and are housed in state facilities under the Youthful Offender Program, DPS&C-CS will incur annual costs of \$31,966.70 (\$87.58 per offender per day x 365 days). The exact fiscal impact to DPS&C-CS is indeterminable, because there is no way to determine how many juveniles with both juvenile dispositions and adult criminal sentences will be sentenced in the future.

Office of Juvenile Justice - Proposed law may result in an indeterminable decrease in SGF expenditures in the Office of Juvenile Justice (OJJ), to the extent that enabling legislation is enacted subsequent to an affirmative vote of the majority of the electors on November 5, 2024, which would allow the legislature to, by a majority vote of each house, make special provisions for the detention and custody of certain juveniles allowing them to complete a disposition for a felony-grade adjudication separate from the adult prison population until the age of 21.

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REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
 Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

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Current juvenile procedures (notwithstanding those juveniles convicted of adult offenses who are in custody as youthful offenders with DPS&C-CS) place all youth adjudicated within the custody of OJJ until they are scheduled for release, including those offenders who reach the age of 21 years. Proposed law would effectively ensure that those juveniles that are adjudicated of felony-grade delinquent offenses (and subject to serve dual sentences for adult criminal convictions consecutively to those dispositions) are placed within the Youthful Offender Program separate from the adult prison population. The exact fiscal impact to OJJ is indeterminable because there is no way to determine how many juveniles with both juvenile dispositions and adult criminal sentences will be sentenced in the future.

For informational purposes, the current average daily rate for housing juveniles in secure care facilities is \$203.10.

Secretary of State - The proposed Constitutional amendment may result in a minimal increase in programing costs for the Department of State to update voting machines for statewide judicial elections and can likely be absorbed within the department's existing operating budget.

The Department of State may incur minimal ballot processing costs associated with this measure. As a regular practice, the Department of State typically budgets for up to 10 constitutional amendments and statewide propositions for the fall statewide elections. To the extent the ballot includes more than 10 constitutional amendments and statewide propositions, the Department of State may require additional SGF resources for the November 5, 2024, statewide election. Any expenditure impact would be realized in FY 25.

Senate Dual Referral Rules

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


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